

REMARKS

The Official Action mailed October 21, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on January 14, 2004; May 11, 2004; February 24, 2005; September 25, 2006; August 22, 2007; and February 27, 2008.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-20 and 46-59 were pending in the present application prior to the above amendment. Claims 56 and 58 have been canceled without prejudice or disclaimer; claims 1-4 have been amended to better recite the features of the present invention; and new dependent claim 60 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-20, 46-55, 57, 59 and 60 are now pending in the present application, of which claims 1-4 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-4, 7, 9, 11, 13 and 46-55 as obvious based on the combination of U.S. Publication No. 2001/0040645 to Yamazaki; U.S. Patent No. 5,298,768 to Okazaki and U.S. Publication No. 2001/0012089 to Shiraishi. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second,

there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Also, there is no proper or sufficient reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Yamazaki '645, Okazaki and Shiraishi or to combine reference teachings to achieve the claimed invention.

Independent claims 1-4 recite first and second plastic substrates and a light-emitting element formed over the first plastic substrate. Also, claims 2 and 4 recite that the first plastic substrate has a concave portion and that the light-emitting element is formed in the concave portion. Independent claims 1 and 3 have been amended to recite a polarizing plate formed over the resin; and an insulating film adhered to the polarizing plate with an adhesive. Independent claims 2 and 4 have been amended to recite a plurality of light-emitting devices formed in the concave portion (of the first plastic substrate). For the reasons provided below, Yamazaki, Okazaki and Shiraishi, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

As noted in detail in the *Amendment* filed July 11, 2008, the Applicant argued that Yamazaki '645 does not disclose that the fixing substrate 1001 is made of plastic.

In response, the Official Action makes reference to paragraph [0058] and asserts that this paragraph discloses that the fixing substrate may be glass, quartz, ceramic, silicon or plastic. The Applicant notes that paragraph [0058] is not directed to substrate 1001 but rather is directed to a fixing substrate 56 shown, for example, in Figure 1. Therefore, the Applicant's arguments concerning the substrate 1001 are proper.

The Examiner appears to be equating the fixing substrate 56 with the fixing substrate 1001 in concluding that the disclosure is sufficient to teach that either of them could be plastic. The Applicant respectfully disagrees and traverses the assertions in the Official Action. The Official Action has not demonstrated why one of ordinary skill in the art at the time of the present invention would have had a reason to modify substrate 1001 in Figure 12 based on the teachings of the substrate 56 in Figure 1. For example, in an OLED process, after all thermal processes are finished, a plastic substrate is used in subsequent removal and adhering processes. However, in the LCD process of Yamazaki '645, an opposing electrode 1002 and orientation film 1003 are formed over an opposing electrode 1002 and over a glass substrate 1001, since temperatures of 200-250°C and photolithography processes using organic solvents are necessary. Therefore, a glass substrate is generally easier to use than a plastic substrate. The Official Action has not demonstrated that these materials, for these uses, are necessarily interchangeable and that it would have been obvious to one of ordinary skill in the art at the time of the present invention to make such substitution.

As noted in detail in the *Amendment* filed July 11, 2008, the Applicant argued that Okazaki does not disclose a light emitting element over a substrate. More specifically, the Applicant asserted that the silicon rubber substrate 16 shown in Figure 10 of Okazaki is merely a jig used to hold the device during fabrication and that the device of Figure 6 would not be formed over the silicon rubber substrate 16. In response, the Official Action now asserts that Okazaki shows in Figure 8 "the light emitting diode and concavity is disposed on a substrate." While column 5, line 59, to column 6, line 6, discloses a substrate 13, there does not appear to be any teaching of

the material for the substrate 13 and certainly no teaching that substrate 13 would be plastic.

Also, the Applicant notes that the Examiner's comments in the "Response to Arguments" with reference to Figure 8 does not appear to be included in the formal rejection seen in the paragraph bridging pages 3 and 4 of the Official Action, which continues to rely upon a "plastic substrate (16)" and it does not include any reference to Figure 8 as in the "Response to Arguments." Therefore, the Examiner's characterization of Okazaki is improper and the "Response to Arguments" is not appropriate in light of the formal basis for the rejection in the body of the Official Action.

As noted in detail in the *Amendment* filed July 11, 2008, the Applicant argued that there was insufficient reason to combine the teachings of Yamazaki and Okazaki in that any reasonable combination of these references would destroy the underlying functionality of Yamazaki '645. More specifically, the Applicant asserted that to be consistent with the claim limitations of the present application Okazaki's light emitting device would need to be placed between the color filter 1106 and the adhesive layer 1107 of Yamazaki '645. The Applicant noted that this combination of elements would destroy the functionality of the color filter and thus would not be reasonable as asserted in the Official Action. In response, the Official Action asserts that the subject claims do not require that the insulating film is directly adhered to the resin with an adhesive and therefore Okazaki's light emitting device would be placed between the color filter 1106 and the substrate 1108. The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Specifically, the Applicant does not generally agree with the Examiner's assertion that the claimed recitation of "an insulating film adhered to the resin with an adhesive" can be interpreted to permit intervening layers under an argument that the insulating film is not "directly adhered" to the resin. That is, the Applicant generally believes that the term "adhered with an adhesive" would require that the two items are contacted only through the adhesive and that each contacts the adhesive. In any event, as noted